

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Scott Hutchison Enterprises, Inc., et al.	:	CASE NO: C-1-01-776
	:	
Plaintiffs	:	Judge Weber
	:	
vs.	:	
	:	
Rhodes, Inc., et. al.	:	
	:	
Defendants	:	

**PLAINTIFF’S MOTION REQUESTING MODIFICATION OF THE COURT’S
ORDER OF AUGUST 18, 2005 GRANTING SUMMARY JUDGMENT AS TO
DEFENDANT BOGGS, TO ADD RULE 54(B) LANGUAGE THAT
“THERE IS NO JUST REASON FOR DELAY”
AND FOR A STAY OF THESE PROCEEDINGS PENDING APPEAL**

Come now the plaintiffs, and hereby move the Court for an Order of modification of its Order of August 18, 2005 (Document 124) granting the Motion for Summary Judgment filed by defendant H.T. Boggs, and denying the plaintiffs’ Motion for Partial Summary Judgment against defendant H.T. Boggs, to add the following additional language:

“It is further Ordered that the Court expressly determines there is no just reason for delay, and directs that a final judgment in favor of the Defendant Boggs be entered and journalized, designated as a final appealable order, from which an appeal may be taken.”

Plaintiffs further move for an Order staying further proceedings in the case during the pendency of an appeal of said judgment. This motion is supported by a Memorandum in Support, separately filed herein.

Respectively submitted,

/s/ William P. Schroeder

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: E. David Marshall at edavidm@iglou.com; Gayle Benner McGrath at gmcgrath@wyattfirm.com; and Thomas Robert Schuck at schuck@taftlaw.com and **I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:**

Kevin J. Waldo, 413 Center Street, Ironton, OH 45638-1505; E. Christine Lewis, Wyatt Tarrant & Combs, LLP, 250 West Main Street, Suite 1600, Lexington, KY 40507-1746; W. Craig Robertson, Wyatt Tarrant & Combs, LLP, 250 West Main Street, Suite 1600, Lexington, KY 40507-1746; and M. Bradford Sanders, Sanders & Associates, 9122 Montgomery Road, Suite 201, Montgomery, OH 45242.

/S/ William P. Schroeder
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